

**DISTRICT 2
1999 ANNUAL PRO BONO
REPORT AND PLAN**

1. Abstract

The mission statement of this Committee is to promote equal access to justice for all Indiana residents, regardless of economic status, by creating and promoting opportunities for attorneys to provide pro bono civil legal services to persons of limited means, to improve and expand the delivery of pro bono legal services by Legal Services of Northern Indiana, Inc. and Notre Dame Legal Aid, Inc. and to coordinate and support the delivery of such services throughout District 2.

The history of the District 2 Committee began with the appointment of St. Joseph Probate Court Judge Peter J. Nemeth as Chairman by the Indiana Supreme Court and the appointment by him of the original members of the Committee. The members of the Committee were chosen in compliance with Rule 6.5(f).

Pro bono legal services are currently provided throughout District 2 by Legal Services of Northern Indiana, Inc. It is estimated that Legal Services is able to handle only 20% of the eligible cases which it screens due to lack of adequate staffing. Notre Dame Legal Aid Clinic which services St. Joseph County, is also able to provide pro bono services in only 20 % of the cases which it screens. Elkhart Legal Aid is also unable to meet the need for services.

2. Data

<i>PRO BONO COMMITTEE DISTRICT 2</i>	
<i>NAME</i>	<i>ADDRESS</i>
Mr. Scott Keller Attorney at Law (Past President St. Joseph County Bar Association)	100 N. Michigan St., 600 1 st Source Center South Bend, IN 46602 Telephone: (219) 237-1144 Fax: (219) 237-1125
Mr. Larry D. Beeson President, Marshall County Bar Assoc.	207 North Main Street Bourbon, IN 46504 Telephone: (219) 342-0028 Fax:
Ms. Angelika E. Mueller Attorney at Law Legal Services of Northern Indiana, Inc.	105 E. Jefferson Boulevard, Suite 600 South Bend, IN 46601 Telephone: (219) 234-8121 Fax: (219) 239-2185

PRO BONO COMMITTEE
DISTRICT 2

Mr. Phillip J. Faccenda Attorney at Law	122 E. Erskine Manor Hill South Bend, IN 46614 Telephone: (219) 291-2124 Fax:
Mr. Hollis Hughes President & CEO United Way of St. Joseph County, Inc.	3517 E. Jefferson Blvd. P.O. Box 6396 South Bend, IN 46660 Telephone: (219) 232-8201, Ext. 235 Fax: (219) 239-2251
Ms. Violet Hawkins Vice President, Resource Distribution United Way of St. Joseph County, Inc.	3517 E. Jefferson Blvd. P.O. Box 6396 South Bend, IN 46660 Telephone: (219) 232-8201, Ext. 232 Fax: (219) 239-2251
Mr. Christopher Murphy Chairman of the Board and CEO 1 ST Source Bank	P.O. Box 1602 South Bend, IN 46634 Telephone: (219) 235-2711 Fax: (219) 235-2033
Mr. Daniel Hampton Attorney at Law Hampton & Voelz (Representative from Kosciusko Bar Association)	120 E. Center St. Warsaw, IN 46580 Telephone: (219) 268-4253 1-800-781-7215 Fax: (219) 371-2095
Ms. Eileen Doran Attorney at Law Notre Dame Legal Aid, Inc.	125 Howard South Bend, IN 46617 Telephone: (219) 631-4863 Fax: (219) 631-6725
Mr. Philip E. Kalamaros Attorney at Law	P.O. Box 4156 129 N. Michigan St. South Bend, IN 46634 Telephone: (219) 232-4801 Fax: (219) 232-9736
Honorable Michael D. Cook Judge, Marshall Circuit Court	501 N. Center St., #301 Plymouth, IN 46563-1707 Telephone: (219) 935-8780 Fax: (219) 936-8893
Honorable Rex L. Reed Judge, Kosciusko Circuit Court	121 N. Lake St., 1 st Floor Warsaw, IN 46580-2785 Telephone: (219) 372-2402

<i>PRO BONO COMMITTEE</i> <i>DISTRICT 2</i>	
	Fax: (219) 372-2406
Honorable James W. Rieckhoff Judge, Elkhart Superior Court #5	315 South Second St. Elkhart, IN 46516-3138 Telephone: (219) 523-2245 Fax: (219) 523-2323

2. **Governance.** Each member of the Committee was appointed for a two year term and any vacancies either during a term or at the conclusion of the term are to be filled by the judge designated by the Supreme Court.
 3. **History/Background.** Legal Services of Northern Indiana, Inc., Notre Dame Legal Aid, Inc., Elkhart Legal Aid and the Bar Associations of St. Joseph County, Marshall County, Kosciusko County, Elkhart City and Goshen City.
 4. **Plan Administrator.** The Plan Administrator is to be hired upon receipt of funds from the State IOLTA Committee and will be part of the staff of Notre Dame Legal Aid, Inc. The Plan administrator will develop programs to increase the participation of lawyers in the pro bono program, to assist in the education of lawyers in the providing of pro bono services, to coordinate the involvement of Notre Dame Law students in the providing of pro bono legal services and to serve as the plan administrator for District 2 as required by Rule 6.5 (g) (II). The name of the person is unknown and the position has not been funded.
 5. **Monitoring Role.** The district committee will monitor the progress and success of the district plan based on annual reports which are to be submitted to the Committee by the Plan Administrator. The annual report will detail the quality and type of services provided as well as the number of attorneys participating, number of clients served and the total number of pro bono hours provided.
3. **1999 Annual Report: Existing Services, Programs, and Funding Sources:**

Elkhart County

Bar Association Program: Yes

Legal Services Corporation: Legal Services Organization of Northern IN - South Bend

Legal Aid: Yes

Law School: Yes - Notre Dame

Independent Program: No

The Elkhart Legal Aid Service employs a full-time attorney, a part-time attorney and an administrative assistant to provide legal services. A local bar committee arranges to find a pro bono attorney when Legal Aid has a conflict. The Legal Aid Service is overseen by a volunteer 15 member board. It was established in 1971 by the Elkhart City Bar.

Currently they are funded by United Way funds and fees generated by court appointment.

The Legal Services Program of Northern Indiana, Inc. South Bend office covers this county.

Elkhart Superior No. 2

The judge said Elkhart Legal Aid Services is a local aid office which provides pro bono representation for about 5% of the court's caseload. The court appoints attorneys in guardian ad litem cases and pays them with court funds. About 10% of the case load is handled pro se. About 100 cases each year require pro bono representation.

Kosciusko County

Bar Association Program: No

Legal Services Corporation: Legal Services Organization of Northern IN - South Bend

Legal Aid: No

Law School: No

Independent Program: No

The Bar Association President said there is no local bar association pro bono program. Pro bono services are provided by the Legal Services Program of Northern Indiana, South Bend office. There is a local panel of attorneys who will do pro bono cases but the president of the bar association said his firm has not been asked to take a case in over two years. He predicted a number of attorneys would sign on to any new program as long as it was for a limited number of cases.

Kosciusko Circuit

Pro bono attorneys represent clients in about 1% of the caseload, usually in domestic matters. About 35% of the cases are handled pro se with little help from court and clerk staff. In some civil cases (probate, guardianship), the judge selects an attorney at random.

Kosciusko Superior

Pro bono cases usually involve dissolution, probate and paternity cases. About 20% of the cases are handled pro se with no help from Court/Clerk staff. It is estimated about 75-100 cases per year need pro bono representation.

Marshall County

Bar Association Program: No

Legal Services Corporation: Legal Services Organization of Northern IN - South Bend

Legal Aid: No

Law School: Yes - Notre Dame

Independent Programs: No

There is no formal program but many attorneys do work on an informal basis. Efforts to start one in previous years have failed due to a lack of “administrative support.” The Legal Services Program of Northern Indiana, Inc. South Bend office covers this county.

Marshall Superior Court No. 1

Most pro bono cases involve domestic relations. A small percentage involves pro se filings using forms from the public library.

Marshall Superior Court No. 2

In the last 5 years, the judge said he only had one case in which he knew the client had pro bono representation. He said about 30 cases a year require pro bono representation.

St. Joseph County

Bar Association Program: Yes - They are forming a pro bono committee

Legal Services Corporation: Legal Services Organization of Northern IN - South Bend

Legal Aid: No

Law School: Notre Dame of Law

Independent Program: No

Service/Program: Notre Dame Legal Aid Inc.

Mailing Address: 125 Howard St., South Bend, IN 46617

Phone: (219) 631-6725

Contact Person: Ms. Eileen Doran

Title: Director

Sponsoring Agency: University of Notre Dame

Phone: NA

Agency Director: Ms. Eileen Doran

Service/Program Information:

Target Population: Indigent individuals

Eligibility Requirements: Below 125% - 150% poverty level

***Estimate # of persons Served or Impacted:** 280 cases closed in a 12 month period

Service Area: Primarily St. Joseph County

***Estimate of Expense per Year:** \$106,500 (operations and staff)
does not include attorneys salaries

Funding Source(s): Various sources

Service/Program Description: Notre Dame Law School Legal Clinic - four full-time

supervising attorneys oversee 48 certified legal interns and handle civil cases within poverty guidelines. Students receive academic credit. St. Joseph County Bar Association works with the Legal Services Program of Northern Indiana, which refers cases to a panel of 300 volunteer attorneys.

How does this organization participate in the coordination of services and what role do they play in the development of the plan: They are part of the committee

Service/Program: Legal Services of Northern Ind., Inc.

Mailing Address: 105 E. Jefferson Boulevard, Suite 600, South Bend, In 46601

Phone: (219) 234-8121

Contact Person: Angelika Mueller

Title: Supervising Attorney

Sponsoring Agency: Legal Services of Northern Ind.

Phone: NA

Agency Director: Kevin B. McGrath

Service/Program Information:

Target Population: Indigent individuals

Eligibility Requirements: Below 125% poverty level

***Estimate # of persons Served or Impacted:** 529 cases closed in the last 12 months.
3,861 cases handled with advice or brief service due to lack of resources.

Service Area: 10 Counties in Northern Indiana (includes District 2)

Type of Service/Program:

***Estimate of Expense per Year:** \$384,271 for this program

Funding Source(s): Government and grants

Service/Program Description: Legal Services Program of Northern Indiana has 4 attorneys which provide services to a ten county catchment area in Northern Indiana. The Counties of Elkhart, Kosciusko, Marshall and St. Joseph are within that catchment area. Currently, they provide services to approximately four to five hundred individuals every year. Services are provided to people who fall within the income guidelines of the 125% of the poverty line with minimal assets. In addition to the services provided by in-house attorneys that are within the district 2 catchment area there are approximately 206 attorneys from the district 2 area who volunteered to do pro bono work. Last year, they completed 140 cases and were unable to provide services for a variety of reasons to 1,861 requests. On average, each pro bono case takes approximately five hours. For a more detailed break down on this information, please see appendices 1.

How does this organization participate in the coordination of services and what role

do they play in the development of the plan: They are part of the committee

Service/Program: Elkhart Legal Aid

Mailing Address: 330 West Lexington Avenue, Elkhart, IN 46516

Phone: (219) 294-2658

Contact Person: Ruth Batts

Title: Administrative Assistant

Sponsoring Agency: Elkhart City Bar

Phone: NA

Agency Director: Marie Waring Mengel

Service/Program Information:

Target Population: Indigent individuals/Court Appointed GAL/CASA/Mental Health

Eligibility Requirements: Percentage above poverty level

***Estimate # of persons Served or Impacted:** 200 cases closed in the last 12 months.

Service Area: Elkhart City

Type of Service/Program:

***Estimate of Expense per Year:** \$166,000

Funding Source(s): United Way and Grants

Service/Program Description: To provide services to indigent individuals in Elkhart City. They receive referrals from the Courts. When possible, they received fees from the Courts to provide GAL/CASA and guardianship services.

How does this organization participate in the coordination of services and what role do they play in the development of the plan: Will be invited to join the committee.

4. **1999 Annual Plan:**

Introduction:

The District 2 Committee convened and reviewed the known information about pro bono service in the district. The overriding concern of the committee was to increase the level of participation by local attorneys in pro bono work and to maximize the provision of services to indigent individuals. It was clear from the information provided that the number of requests for assistance.

A wide range of issues were discussed ranging from individual definitions of pro bono service, the number of hours of pro bono service which would be recommended or required, and the way to maximize the provision of legal services to indigent individuals.

Problem Barrier # 1: To increase the participation of private attorneys in the provision of pro bono service to indigent individuals.

Support Data: According to information provided by Northern Indiana Legal Services and Notre Dame Legal Aid Program they are only able to provide services to approximately 20% of those persons requesting service. See attachment 1 of statistics provided by Legal Services of Northern Indiana.

Recommended Activities to solve address the problem: 1. Work with Northern Indiana Legal Aid Services to expand the number of attorneys who are available for pro bono service within their program. 2. Contact the individual bar associations in each county to increase pro bono participation. 3. Through the Notre Dame Legal Aid Program provide continuing education and training for attorneys willing to participate in pro bono activities who need assistance in the delivery of these services. 4. Hire a plan administrator for District 2 as required by Rule 6.5(g)(II). 5. Match Notre Dame law students with individuals willing to provide pro bono services so that they may have assistance in research in individual cases. 6. Use the existing umbrella of Legal Services of Northern Indiana for providing malpractice insurance to those attorneys who provide pro bono service.

Coordination: The coordination of the various activities will be handled by the District 2 Plan Administrator who will work with the Notre Dame Legal Aid Program and be hired through monies given to the district by IOLTA.

Expected Results: We would expect to see the number of attorneys participating in the program increase and the number of cases closed through completion to increase.

Bench Marks: According to information provided by the Legal Services Program of Northern Indiana, approximately 206 persons volunteered to be pro bono attorneys and they closed approximately 140 cases. We would use this as a bench mark in order to gauge the success of the program by increasing both the number of attorneys volunteering and the number of cases closed.

Cost Associated With This Problem: The District 2 Committee is requesting approximately \$25,000.00 from IOLTA to fund the plan administrator. Other costs such as space, telephone, desks, etc., will be borne by support from the community and the University of Notre Dame. See budget detail for total request from IOLTA.

Problem Barrier #2: Maximizing the amount of legal services provided to indigent individuals.

Support Data: Of the total number of requests for legal services for indigent persons in District 2, it would appear that approximately 80% of those requests go as an unmet need. See appendices 1, Legal Services of Northern Indiana.

Recommended Actions To Address the Problem: The committee recognizes the need for the private bar to participate in the pro bono program and this result can be achieved in one of two ways. The first way is the actual pro bono involvement and the second is a buy out to provide pro bono service by a specific individual. The committee strongly endorsed the idea of hiring individuals to provide pro bono service, their rationale included the fact that individuals trained in this particular area of law would be able to deliver the maximum amount of services in

the most cost efficient manner. Support for these attorneys should come from IOLTA's monies as well as contributions made by various attorneys who would like to participate in some form of a buy out program.

The committee was very concerned about creating a duplicate method of delivering services and since a well organized structure organization already exists in District 2 it was the consensus of the committee that we support the existing legal services of Northern Indiana and the Notre Dame Legal Aid Program. These programs already have recognition in the community, have mechanisms to do intake and screening of cases, have parameters by which to set eligibility requirements, and can achieve maximum case distribution and resolutions. Specifically the committee recommended the hiring of two additional full time attorneys and one full time secretary to expand the staff of Legal Services of Northern Indiana.

Coordination: Currently, Legal Services of Northern Indiana already has an administrative staff which can handle the coordination and distribution of cases. In addition, the plan administrator who will work with the Notre Dame Legal Program will work closely with the staff of Legal Services of Northern Indiana to provide a coordinated effort.

Expected Results: In evaluating the amount of service which could be provided by a full time paid attorney, we would expect to see an increase of 30-40% in the number of services provided to indigent individuals.

Bench Marks: Currently, Legal Services Program of Northern Indiana handles approximately four to five hundred cases per year and a increase of 40% would mean an additional two hundred plus cases. The committee estimated that depending on the kind of cases handled by staff attorneys which tend to be more complex then the ones given to pro bono attorneys, the number of individuals served could increase even greater than 40%.

Cost Associated With This Program: The estimated cost of this program is approximately \$100,000.00 of IOLTA money and significant support from others in terms of office space, telephone, supplies and administrative support.

Budget: The following budget has been established by the committee in consultation with Legal Services of Northern Indiana as well as Notre Dame Legal Services. It is an integrated budget and the committee feels strongly that both parts of the budget must be funded in order to maximize the provision of services to indigent individuals in St. Joseph County. We hope the State Committee will look favorably on our budget request.

* Please see the attached page for a break down of the budget.

BUDGET FORM				
COST CATEGORY	IOLTA 8	OTHER 8	DONATED	TOTAL
A. Personnel Costs				
1. Lawyers (2)	\$60,000			\$60,000
2. Paralegal				
3. Others (2)	\$37,000			\$37,000
4. Salary Subtotal	\$97,000			\$97,000
5. Employee Benefits	\$22,787			\$22,787
6. Total Personnel Costs	\$119,787			\$119,787
B. Non-Personnel				
1. Space		\$18,510		\$18,510
2. Equipment Rental			\$6,000	\$6,000
3. Office Supplies		\$4,000		\$4,000
4. Telephone		\$6,000		\$6,000
5. Travel		\$1,000		\$1,000
6. Training		\$1,000		\$1,000
7. Library		\$4,000		\$4,000
8. Insurance		\$850		\$850
9. Dues and Fees				
10. Audit				
11. Litigation				

BUDGET FORM				
12. Property Acquisition				
13. Purchase Payments				
14. Contact Services to Clients				
15. Contact Services to Program				
16. Other				
17. Total Non Personnel Costs				
C. Total Expenditures	\$119,787	\$35,360	\$6,000	\$161,147